

Remarks

Applicant has reviewed the Office Action dated as mailed July 28, 2004 and the documents cited therewith.

Interview Summary

In accordance with M.P.E.P. 708.02 VIII (B) a telephonic interview was conducted between the applicant's below named representative and Examiner Howell on October 18, 2004. The applicant wishes to thank the Examiner for the courtesy extended during this interview. A draft amendment, presented to the Examiner prior to the interview, was discussed. The Examiner indicated that the claims as presented defined over the prior art relied on by the Examiner in rejecting the claims. The Examiner reserved a final decision on patentability pending his review of the remaining art of record in the application. The Examiner further requested a few minor changes to the claims. Accordingly, the dependency of claim 66 has been revised to properly depend from claim 64. Claim 92 has been written such that the positioning member laterally displaces the frame relative to the door edge. Claim 97 has been deleted.

Claim Rejections under 35 U.S.C. §112

The Examiner rejected claims 64-90 under 35 U.S.C 112 because the term "non-threaded" was not expressly defined in the specification. While applicant submits that the term "non-threaded" would be understood by one of ordinary skill in the art to mean an element that does not include screw threads, the applicant has amended the claims to avoid the use of this term. It is submitted that the claims as presented obviate the rejections under Section 112.

The Examiner also rejected claims 68, 74, 82 and 87 under 35 U.S.C. 112 because according to the Examiner the claims "incorrectly state that the positioning members are "unattached" to the first flange." The section of the specification referred to by the Examiner states that "Preferably, each of the spacing tabs 60 is flexibly attached ..." [emphasis added]. Clearly the applicants indicated that the tabs were attached only in the preferred embodiment but contemplated that the tabs would not have to be

attached in other embodiments. While the applicants believe that the specification supports the claims as presented, the rejected claims have been cancelled.

Claims 76 and 77 have been amended to correct the omission of the word "is" as noted by the Examiner in paragraph 8 of the office action. Claims 88 and 89 have been cancelled.

Claim Rejections Under 35 U.S.C. §102(b)

The Examiner rejected claims 64, 65, 67, 71, 73, 76, 78, 79, 81, 83, 84, 86, 88 and 90 as being anticipated under 35 U.S.C. 102(b) by Livick. The Examiner also rejected claims 64, 65, 67, 70, 71, 73, 77, 78, 79, 81, 83, 84, 86 and 90 as being anticipated under 35 USC 102(b) by Shouse. The Examiner also rejected claims 64-89 as being anticipated under 35 U.S.C. 102(b) by Matadobra. Finally, the Examiner rejected claims 64, 65, 67, 70, 73, 77, 78, 79, 80, 83, 84, 85 and 90 as being anticipated under 35 U.S.C. 102(b) by Roberts.

Claims 65, 67, 68, 71-74, 79 and 81- 89 have been cancelled. Independent claims 64, 70, 78 and 90 have been amended. New claims 91 through 98 have been added, claims 91, 92 and 98 being independent. New claim 98 corresponds to the claim suggested by the Examiner except that the preamble includes the recitation of the door such that claim 98 only claims the lockset guide.

It is submitted that the independent claims as presented define over the art of record and are allowable. Claims 64, 70, 78, 90 and 91 all require that the positioning member be mounted to or fixed to the frame and movable between a first position and a second position such that when the positioning member is moved from the first to the second position the frame is displaced laterally.

The claims as presented are not anticipated by Livick. The Examiner points to flanges 10,14 and 30 as the frame in Livick and member 22 as the positioning member. While member 22 can be removed from the frame and relocated relative to the frame, it is not mounted or fixed to the frame and movable between first and second positions while fixed to the frame. Moreover element 22 does not move the frame in Livick laterally as that term is used in the application. Laterally as used in the claims requires movement of the frame toward and/or away from the face of the door. In Livick, hole 22 can only be

relocated transversely relative to the door face. Thus Livick does not anticipate independent claims 64, 70, 78, 90 or 91. Nor does Livick anticipate new claim 92 because it also requires lateral displacement. New claims 93 – 96 further define over Livick. Finally, new independent claim 98 is believed to be allowable as written over Livick.

The claims as presented are not anticipated by Shouse. The Examiner points to members 8 and 9 as the positioning member and flanges 2 and 3 as the frame in Shouse. Similar to Livick members 8 and 9 can be removed from the frame and relocated relative to the frame, but neither member 8 or 9 is mounted or fixed to the frame and movable between first and second positions while fixed to the frame. Moreover members 8 and 9 do not move the frame laterally as that term is used in the application. In Shouse the frame is not moved at all relative to the door. Element 1 can only be placed against a door in one position. Thus Shouse does not anticipate independent claims 64, 70, 78, 90 or 91. Nor does Shouse anticipate new claim 92 because it also requires lateral displacement and it defines openings on both the first and second flanges. Shouse does not have an opening on guide plate 3. New claims 93 – 96 also contain subject matter not shown in Shouse and are submitted to be allowable. Finally, new independent claim 98 is believed to be allowable as written over Shouse.

The claims as presented are not anticipated by Matadobra. The Examiner points to spacer 27 as the positioning member and flanges 21 and 24 as the frame in Matadobra. Similar to Livick and Shouse spacer 27 can be removed from the frame and relocated relative to the frame, but spacer 27 is not mounted or fixed to the frame and movable between first and second positions while fixed to the frame. Moreover, spacer 27 does not move the frame laterally as that term is used in the application. In Matadobra holes 15 and 16 are moved transverse relative to the door. Thus Matadobra does not anticipate independent claims 64, 70, 78, 90 or 91. Nor does Matadobra anticipate new claim 92 because it also requires lateral displacement. New claims 93 – 96 also contain subject matter not shown in Matadobra and are believed to be allowable. Finally, new independent claim 98 is believed to be allowable as written over Matadobra.

The claims as presented are not anticipated by Roberts. The Examiner points to flanges 1 and 6 as defining the frame in Roberts. Block 10 does not move flanges 1 or 6 laterally as that term is used in the application. In Roberts block 10 is moved but the frame is not moved at all relative to the door.

Thus Roberts does not anticipate independent claims 64, 70, 78, 90 or 91. Nor does Roberts anticipate new claim 92 because it also requires lateral displacement and it defines openings on both the first and second flanges. Roberts does not have an opening on flange 6. New claims 93 – 96 also contain allowable subject matter. Finally, new independent claim 98 is believed to be allowable as written over Roberts.

The remaining references cited by the Examiner have been carefully reviewed and it is believed that the claims as presented define over all of the cited references either alone or in combination.

Conclusion

For the foregoing reasons, the Applicant respectfully submits that all of the claims in the present application are in condition for allowance. Reconsideration and withdrawal of the rejections and allowance of the claims at the earliest possible date are respectfully solicited.

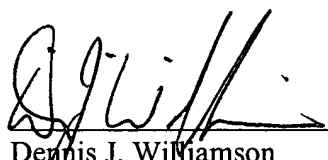
If the Examiner has any questions about the present Amendment a telephone interview is requested.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 13-4365.

Respectfully submitted,

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